

# Office Action Summary

Application No.

09/769,679

Applicant(s)

BRENDON ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 14 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-8, 10-13, 15-21 and 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Serial No.: 09/769,679  
Art Unit: 2863

2

## **DETAILED ACTION**

### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-26 are pending.

### ***Claim Objections***

2. Claims 9 and 22 are objected to because of the following informalities:

For claims 9 and 22 (line 6), the phrase "into said a non-volatile memory" should be --into said non-volatile memory--.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 9, 14 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Weber (U.S. patent No. 4,559,637).

With respect to claims 1 and 22, Weber discloses a tamper proof digital value accumulator and display method and apparatus including an encoder having a unique key constructed and arranged to configure an encryption engine and arrange to store the odometer value in a non-volatile memory (see e.g. Fig. 1, item 12, col. 2, lines 1-24) and a decoder to receiver the encrypted odometer value from the encoder (see e.g. Fig. 1, item 60 and col. 2, lines 37-46).

With respect to claims 9 and 22, Weber discloses the invention as claimed including an encoder having a unique key and an encryption engine (see e.g. col. 2, lines 20-24 and col. 4, lines 3-20), configuring the encryption circuit with the key (see e.g. col. 2, lines 20-24, col. 4, lines 1-20), receiving an increment signal (see e.g. col. 9, lines 5-10), incrementing an odometer value to form an incremented odometer value (see e.g. see e.g. col. 9, lines 11-21), storing the incremented odometer value into a non-volatile memory (see e.g. col. 8, lines 66-68), encrypting the incremented odometer value with the encryption engine to form an encrypted odometer value, transmitting the encrypted value to a decoder and decrypting the encrypted odometer value with the decoder to obtain the odometer value (see

Serial No.: 09/769,679  
Art Unit: 2863

4

e.g. Figs 1-3).

***Allowable Subject Matter***

5. Claims 2-8, 10-13, 15-21 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Serial No.: 09/769,679  
Art Unit: 2863

5

**or faxed to:**

(703) 308-7382 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington. VA.,  
Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703)308-0956.

**BRYAN BUI**  
**PRIMARY EXAMINER**

*Bryan Bui*  
2/10/03

**HIEN VO**  
February 10, 2003